

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NUSAYBA HAMMAD, ERIC HOROWITZ, SAJIA  
HANIF, ALE HUMANO, JESSIE DESSUS, NIA  
WILSON, HENRY BURG, SHIVANI DESAI,

*Plaintiffs,*

- against -

WILLIAM C. THOMPSON, JR., SANDRA WILKIN,  
MICHAEL ARAVANITES, HENRY T. BERGER, UNA  
S. T-CLARKE, LORRAINE CÓRTEZ VÁZQUEZ,  
BARBARALEE DIAMONSTEINSPIELVOGEL,  
KEVIN D. KIM, MAYRA LINARES-GARCÍA,  
ROBERT F. MUJICA, BRIAN D. OBERGFELL, JILL  
O'DONNELL-TORMEY, HERMINIA PALACIO, KEN  
SUNSHINE, ANGELO VIVOLO, JOHN VERZANI,  
SALIMATOU DOUMBOUYA, Members of the Board  
of Trustees, City University of New York,

FÉLIX MATOS RODRÍGUEZ, Chancellor, City  
University of New York,

SUDHA SETTY, Dean, School of Law, City University  
of New York,

*Defendants, all sued in their  
official capacities, with  
Defendants Thompson, Jr.,  
Matos Rodríguez, and Setty  
also sued in their individual  
capacities.*

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**NOTICE OF MOTION TO  
DISMISS THE AMENDED  
COMPLAINT**

**24-cv-3099-JPO**

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law, and upon all prior pleadings and proceedings herein, Defendants William C. Thompson Jr., Sandra Wilkin, Michael Arvanites, Henry T. Berger, Una S. T. Clarke, Lorraine Córtez-Vázquez, Barbaralee Diamonstein-Spielvogel, Kevin D. Kim, Mayra Linares-Garcia, Robert F. Mujica, Brian D. Obergfell, Jill O'Donnell-Tormey, Herminia Palacio, Ken Sunshine, Angelo Vivolo, John Verzani (ex officio), and Salimatou Doumbouya (ex officio) (the "CUNY Board of Trustees Defendants"), along with Defendant Felix Matos Rodriguez, and Defendant Sudha Setty (together "Defendants"),

by their attorney, LETITIA JAMES, Attorney General of the State of New York, will move this Court, before the Honorable J. Paul Oetken, at the United States Courthouse for the Southern District of New York, located at 40 Foley Square, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing the Amended Complaint with prejudice and without leave to replead pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction and failure to state a claim, together with any other relief the Court deems just and proper.

Dated: New York, New York  
September 13, 2024

**LETITIA JAMES**  
Attorney General  
State of New York  
Attorney for Defendants

By: /s/ Christopher V. Coulston  
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To: all counsel of record (via ECF)